UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff, v. **Jose VALENCIA-Barragan,** Defendant	Magistrate Docket No. '08 MJ 0872 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **March 18, 2008** within the Southern District of California, defendant, **Jose VALENCIA-Barragan,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **20th** DAY OF **MARCH 2008.**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

AUSA KD

CONTINUATION OF COMPLAINT:
Jose VALENCIA-Barragan

PROBABLE CAUSE STATEMENT

On March 18, 2008, Supervisory Border Patrol Agent Roderick Miranda was performing line watch duties near Campo, California. Agent Miranda was working in an area located 18 miles east of the Tecate, California Port of Entry and approximately one half mile north of the U.S./Mexico International Boundary.

At approximately 12:00 p.m., Agent Miranda responded to a seismic intrusion device. Upon arrival in the area, Agent Miranda found footprints that had crossed the road he was driving on. He followed the footprints north, where Agent Miranda found two individuals including one later identified as the defendant **Jose VALENCIA-Barragan** attempting to hide in brush. Agent Miranda immediately identified himself as a United States Border Patrol Agent and questioned each of the two individuals as to their citizenship. Both subjects admitted to having entered the United States illegally without any immigration documents. They also admitted to being natives and citizens of Mexico. Both were placed under arrest and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 5, 1999** through **Paso Del Norte, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.